

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10CV239

JAMES S. MORRIS,

Plaintiff,

vs.

ABC CORP. D/b/a GOODYEAR  
WHOLESALE TIRE CENTER,

Defendant.

ORDER

This matter is before the court upon Defendant's Motion to Dismiss pursuant to Rules 12(b)(2) and 12(b)(5) for lack of personal jurisdiction and improper service. On December 6, 2010, the court entered an Order allowing the *pro se* Plaintiff an additional twenty days to properly serve the Amended Summons and Complaint, and holding the Defendant's Motion to Dismiss in abeyance during that time. The twenty day service period has expired and the Plaintiff has failed to serve the Defendant as evidenced by Defendant's Notice of Failure to Serve, filed January 4, 2011.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is hereby GRANTED, and this matter is dismissed without prejudice.

Signed: January 13, 2011



Graham C. Mullen  
United States District Judge

